UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,790	09/29/2003	Haruhiko Kinoshita	8046-1042	9901

466   7590   10/31/2007
YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER
LUONG, ALAN H

ART UNIT	PAPER NUMBER
4126	

MAIL DATE	DELIVERY MODE
10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☒ Some *   c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *02/14/2007*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **1-5, 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable

over the Prior Art (US Pub. No. 2002/0057799 A1) issued to Kohno; in view of US

2003/0001904 A1 (US'904) to Rosen et al.

      Regarding to claims 1 and 7: Kohno discloses a server (Server 1 of

Fig. 2) and a method for delivering a content to a plurality of users (movie theater 502 of

Fig. 1) through a network (communication network 7 of Fig. 1), comprising:

      a first memory (storage 12 of Fig. 3) for storing user information (see

¶0281) corresponding to each of the users, the user information indicating at least

content replaying environment of the user (see ¶0279, ¶0280);

      a second memory (movie data base 16 of Fig. 3) for storing a plurality of

format conversion programs (compressed data content, see ¶0276, ¶0277) each

corresponding to a plurality of predetermined content (¶0274 lines1-4) replaying

environments;

a transmitter (31 of Fig. 3 and 115 of Fig. 5) for transmitting the format-

converted content to the user through the network (see ¶0285, ¶0286, ¶0325 and

¶0326). But Kohno fails to teach a format conversion selector for selecting a most

suitable one from the format conversion programs and a format converter for converting

the content into the format according to the most suitable format conversion program to

produce a format-converted content for the user.

Rosen teaches a format conversion selector (the content shell 51 of Fig.

3) for selecting a most suitable one from the format conversion programs (US' 904,

¶0045) based on the content replaying environment of the user (see File Formats in

¶0041, ¶0042), wherein the most suitable format conversion program provides a format

most suitable for the content replaying environment of the user (the content form 17 of

Fig. 3 also see ¶0033,¶0036); and

a format converter (the content generation application 14 of Fig. 1) for

converting the content into the format according to the most suitable format conversion

program (US' 904, ¶0044, ¶0045) to produce a format-converted content for the user

(the content form 17 of Fig. 3); Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention was made to combine the media content

format conversion method as taught by Rosen in the Prior Art of Kohno; in order to

provide a complete customized media content distributing system.

Regarding to claim 2: Kohno also discloses the server according to

claim 1, wherein the content replaying environment of the user includes a type of

replaying equipment of the user (the playback apparatus 3 of each movie theater 502, see Fig.1 and 5, the digital projector 3a of Fig. 6, also see ¶0337,¶ 0338, ¶0361) .

Regarding to claim 3: Kohno discloses the server according to claim 1, wherein the content is included in a content delivery request (by the distribution controller 13 of Fig. 3, ¶0285) received from a content owner (from server 1 of Fig. 3), wherein the content delivery request further includes delivery destination identifying each of the users (content ID, destination identifier ID1, ID2...etc, see¶0280).

Regarding to claim 4: According to claim 3, Kohno further discloses the server above comprising a content storage section (Movie Data Base 16 of Fig. 3) for storing the content received from the content owner (from server 1 of Fig. 3) (see ¶0283, ¶0284).

Regarding to claim 5: Kohno further teaches the server according to claim 1, wherein the content is a movie content, which identifies an environment of a movie theater of the user (¶0356, ¶0361), but Kohno fails to teach the content replaying environment of the user includes screen information, projector information, and sound information.

Rosen teaches the contents of video file or audio file may specify the various attributes of a given file, such as size or video resolution or quality (screen information), compression format (projector information), and audio formats (sound information) (see ¶0041, ¶0042). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the movie

content including information as size of screen, video resolution or audio quality and

video compression as taught by Rosen in the Prior Art of Kohno; in order to provide a

complete the customized movie content distributing system, from movie producer to

movie theater.

3.   Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub.

No. 2002/0057799 A1 to Kohno.

Regarding to claim 6: Kohno teaches a system comprising three separate

memories for delivering a content to a plurality of users through a network, comprising:

a first memory (storage 12 in server 1 of Fig. 3) for storing user information

(see ¶0281) corresponding to each of the users , the user information indicating at least

content replaying environment of the user (see ¶0279, ¶0280) ;

a second memory (compressed data storage109 in server 2 of Fig. 5) for

storing a plurality of format conversion programs each corresponding to a plurality of

predetermined content replaying environments (see Fig. 5 and ¶0326, ¶0327);

a third memory (compressed data storage 208 in a playback apparatus 3 of

Fig. 6) for storing correspondences between the users and the plurality of format

conversion programs, wherein each of the correspondences is determined by selecting

a most suitable one from the format conversion programs based on the content

replaying environment of each of the users (see ¶0350, ¶0351 and ¶0353);

a format converter (a decompression unit 217 and a D/A converter 218 of

Fig. 6) for converting the content into the format according to a format conversion

program (from the film scanner 1A and a compression coder 19, see ¶0273,¶ 0274);

which is determined by searching the third memory for a corresponding user (¶0356,

¶0358,), to produce a format-converted content for the user (¶0361, ¶0362, ¶0363, and

¶0364) ; and a transmitter (31 of Fig. 3 and 115 of Fig. 5) for transmitting the format-

converted content to the user through the network (see ¶0285, ¶0286, ¶0325 and

¶0326).

However, Kohno fails to disclose one server has 3 memories whereas the

server and the memory of the prior art comprise the storage (or memory) in server at

different locations which link together by communication network as Internet.

It would have be considered a matter of obvious design choice to integrate

these separate memories to a single server unit because the system with either three

separate memories or one integral unit would have performed the same function and

furthermore the use of a one piece structure or separate structure would be merely a

matter of obvious engineering choice; (see MPEP 2144.04).

4.   Claim **8** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub.

No. 2002/0117828 A1 (US '828) issued to Parker et al.; in view of US 2003/0001904 A1

(US'904) to Rosen et al.

Regarding to claim 8: Parker discloses a system for delivering a

content from a content owner (112 of Fig. 1) to a plurality of users (114 of Fig. 1)

through a network (multicast network 118B of Fig. 2) comprising:

a content providing server (CMCDS 110) which receives the content

from the content owner (112) to send it to each of the users (114) (see Fig. 1) ,

wherein the content providing server comprises:

a first memory (a profiles data base 118A of Fig. 2 and ¶0032) for storing

user information (¶ 0032 lines 6-19) corresponding to each of the users, the user

information indicating at least content replaying environment of the user (¶0040, ¶0041);

a second memory (a video server 118C of Fig. 2 and ¶0034) for storing a

plurality of format conversion programs each corresponding to a plurality of

predetermined content replaying environments;

a transmitter (multicast router in 118 of Fig. 2, see ¶0043) for transmitting

the format-converted content to the user through the network (multicast network 118B

is capable of transmitting the same media content, see ¶0043).

However, Parker fails to teach a format conversion selector for selecting a

most suitable one from the format conversion programs based on the content replaying

environment of the user, wherein the most suitable format conversion program provides

a format most suitable for the content replaying environment of the user; and a format

converter for converting the content into the format according to the most suitable

format conversion program to produce a format-converted content for the user.

Rosen teaches a format conversion selector (the content shell 51 of Fig. 3) for

selecting a most suitable one from the format conversion programs (US' 904, ¶0045)

based on the content replaying environment of the user (see File Formats in ¶0041,

¶0042), wherein the most suitable format conversion program provides a format most

suitable for the content replaying environment of the user (the content form 17 of Fig. 3

also see ¶0033,¶0036); and a format converter (the content generation application 14

of Fig. 1) for converting the content into the format according to the most suitable format

conversion program (¶0044, ¶0045) to produce a format-converted content for the user

(the content form 17 of Fig. 3); Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention was made to combine the file format

conversion tool as taught by Rosen in the distributing media content system of Parker;

in order to provide a complete customized media content distribution.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claim **9** is rejected under 35 U.S.C. 102(e) as being anticipated by US

2004/0117828 A1 issued to Parker et al.

        Regarding to claim 9: Parker teaches a program instructing a

computer to deliver a content to a plurality of users through a network (see steps 310-

318 of Fig. 3), comprising the steps of:

preparing (step 310) a first memory storing user information

corresponding to each of the users, the user information indicating at least content

replaying environment of the user;

preparing (step 310) a second memory storing a plurality of format

conversion programs each corresponding to a plurality of predetermined content

replaying environments; when a content delivery request identifying a user and a

content is received from a content owner,

searching (step 314) the first memory for the user to find corresponding

user information;

selecting (step 312 and 314) a most suitable one from the format

conversion programs based on the content replaying environment included in the found

user information, wherein the most suitable format conversion program provides a

format most suitable for the content replaying environment of the user;

converting (step 314) the content into the format according to the most

suitable format conversion program to produce a format-converted content for the user;

and

delivering (step 316) the format-converted content to the user through the

network. (see ¶0042, ¶0043).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alan H. Luong
Art Unit 4126
Date 10/24/2007

DENNIS DOON CHOW
SUPERVISORY PATENT EXAMINER